

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00319-EGS

KOLBUSZ v. FEDERAL BUREAU OF INVESTIGATION
Assigned to: Judge Emmet G. Sullivan
Cause: 05:552 Freedom of Information Act

Date Filed: 02/17/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**ROBERT KOLBUSZ**

represented by **ROBERT KOLBUSZ**
R45134-424
FCI BASTROP
SATELLITE CAMP
P.O. BOX 629
BASTROP, TX 78602
PRO SE

V.

Defendant**FEDERAL BUREAU OF INVESTIGATION**

represented by **Scott Leeson Sroka**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113
Fax: (202) 252-2599
Email: scott.sroka@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**DEPARTMENT OF JUSTICE**

represented by **Scott Leeson Sroka**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY**

represented by **Scott Leeson Sroka**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/17/2017	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 400, receipt number 4616083148) filed by ROBERT KOLBUSZ. (Attachments: # <u>1</u> Civil Cover Sheet)(jf) (Entered: 02/23/2017)
02/17/2017		SUMMONS Not Issued as to FEDERAL BUREAU OF INVESTIGATION (jf) (Entered: 02/23/2017)
02/17/2017	<u>2</u>	MOTION to list post office box by ROBERT KOLBUSZ (jf) (Entered: 02/23/2017)
03/06/2017	<u>3</u>	SUPPLEMENT to re <u>1</u> Complaint filed by ROBERT KOLBUSZ. (jf) (Entered: 03/13/2017)

03/09/2017		MINUTE ORDER granting <u>2</u> motion to list Post Office Box for service of process. Signed by Judge Emmet G. Sullivan on 3/9/2017. (lcegs4) (Entered: 03/09/2017)
04/24/2017	<u>4</u>	MOTION to Compel by ROBERT KOLBUSZ (jf) (Entered: 04/25/2017)
05/05/2017		MINUTE ORDER granting <u>4</u> plaintiff's motion to compel clerk assistance with service of process. The Clerk of the Court is directed to prepare a summons for the Federal Bureau of Investigation, United States Attorney for the District of Columbia and the United States Attorney General and to mail those summonses to plaintiff so that plaintiff can effect service pursuant to Federal Rule of Civil Procedure 4(i). Signed by Judge Emmet G. Sullivan on 5/5/2017. (lcegs2) (Entered: 05/05/2017)
05/17/2017		SUMMONS (3) Issued as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (zsb) (Entered: 05/17/2017)
06/02/2017		MINUTE ORDER. Plaintiff is hereby ordered to show cause why this case should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure by no later than June 16, 2017. See Fed. R. Civ. P. 4(m) (If a defendant is not served within 90 days after the complaint is filed, the court... must dismiss the action without prejudice against that defendant...). Signed by Judge Emmet G. Sullivan on June 2, 2017. (lcegs2) (Entered: 06/02/2017)
06/02/2017	<u>5</u>	AFFIDAVIT of mailing re <u>1</u> Complaint by ROBERT KOLBUSZ. (jf) (Entered: 06/05/2017)
06/05/2017		Set/Reset Deadlines: Plaintiff To Show Cause due by 6/16/2017. (mac) (Entered: 06/05/2017)
06/15/2017	<u>6</u>	RESPONSE TO ORDER OF THE COURT re Minute Order Filed On 06/02/2017, Plaintiff is hereby ordered to show cause why this case should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure by no later than June 16, 2017 filed by ROBERT KOLBUSZ. (jf) (Entered: 06/16/2017)
06/27/2017	<u>7</u>	ERRATA <u>6</u> RESPONSE TO ORDER OF THE COURT re Minute Order Filed On 06/02/2017, Plaintiff is hereby ordered to show cause why this case should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure by no later than June 16, 2017 filed by ROBERT KOLBUSZ. "Let this be filed" signed by Judge Emmet G. Sullivan on 06/22/2017 (jf) (Entered: 06/27/2017)
08/30/2017	<u>8</u>	AFFIDAVIT of mailing re <u>1</u> Complaint by ROBERT KOLBUSZ. (Entered: 09/01/2017)
08/30/2017	<u>9</u>	MOTION for Default Judgment by ROBERT KOLBUSZ (jf) (Entered: 09/01/2017)
12/15/2017	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/2/2017. (Answer due for ALL FEDERAL DEFENDANTS by 7/2/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/31/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 5/31/2017 re <u>8</u> AFFIDAVIT of mailing re <u>1</u> Complaint (jf) (Entered: 12/15/2017)
02/12/2018		MINUTE ORDER directing the Clerk of the Court to re-issue the summons and, together with an affidavit of mailing and a copy of this Minute Order, mail those materials to the plaintiff at his address of record. Although Mr. Kolbusz appears to have attempted service on the defendant, see ECF No. 5, his proof of service does not indicate that he received a receipt for the certified mail indicating the date on which the summons and complaint were delivered. Accordingly, plaintiff is directed to re-attempt delivery of the appropriate summons and complaint to the United States attorney, the Attorney General, and the Federal Bureau of Investigation in accordance with Federal Rule of Civil Procedure 4. Mr. Kolbusz is directed to then file proof of service of those summonses and complaint by no later than April 6, 2018. Signed by Judge Emmet G. Sullivan on February 12, 2018. (lcegs2) (Entered: 02/12/2018)
02/13/2018		Set/Reset Deadlines: Plaintiff Proof Of Service due by 4/6/2018. (mac) (Entered: 02/13/2018)

02/20/2018		SUMMONS (3) REISSUED as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (zsb) (Entered: 02/20/2018)
03/09/2018	<u>11</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 03/09/2018)
03/12/2018		MINUTE ORDER denying <u>9</u> plaintiff's motion for default judgment. Plaintiff has not adequately established that defendant has been served with the summons and complaint. Signed by Judge Emmet G. Sullivan on March 12, 2018. (lcegs2) (Entered: 03/12/2018)
03/26/2018	<u>12</u>	MOTION to Alter Judgment as to MINUTE ORDER filed on 03/12/2018 Order on Motion for Default Judgment by ROBERT KOLBUSZ (Attachments: # <u>1</u> Exhibit)(jf) (Entered: 03/28/2018)
04/04/2018	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION to Alter Judgment as to Order on Motion for Default Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Exhibit A)(Sroka, Scott) (Entered: 04/04/2018)
04/04/2018	<u>14</u>	MOTION for Extension of Time to File Answer by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Exhibit A)(Sroka, Scott) (Entered: 04/04/2018)
04/09/2018		MINUTE ORDER denying <u>12</u> plaintiff's motion for reconsideration of the Court's Minute Order and granting <u>14</u> defendants' motion for an extension of time. Defendants are directed to answer or otherwise respond to plaintiff's complaint by no later than May 4, 2018. In view of <u>3</u> plaintiff's supplement to the complaint, the Clerk of the Court is directed to add the Department of Justice and the Executive Office for United States Attorneys as defendants in the ECF docket in this action. Signed by Judge Emmet G. Sullivan on April 9, 2018. (lcegs2) (Entered: 04/09/2018)
04/10/2018		Set/Reset Deadlines: Defendant's Answer Or Otherwise Response To Plaintiff's Complaint due by 5/4/2018. (mac) (Entered: 04/10/2018)
05/04/2018	<u>15</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION.(Sroka, Scott) (Entered: 05/04/2018)
05/04/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA") and the Privacy Act. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than May 28, 2018. The parties' joint proposed scheduling order shall address the following: (1) the status of plaintiff's FOIA requests; (2) the anticipated number of documents responsive to plaintiff's FOIA requests; (3) the anticipated date(s), if any, for release of documents responsive to plaintiff's FOIA requests; (4) whether a motion for an Open America stay is likely in this case; (5) whether a Vaughn index will be required in this case; (6) whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) a proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on May 4, 2018. (lcegs2) (Entered: 05/04/2018)
05/07/2018		Set/Reset Deadlines: Joint Scheduling Order due by 5/28/2018. (mac) (Entered: 05/07/2018)
05/22/2018	<u>16</u>	RESPONSE TO MINUTE ORDER of May 4, 2018 filed by ROBERT KOLBUSZ. (Attachments: # <u>1</u> Exhibits 21) (tth) (Entered: 05/25/2018)
05/29/2018	<u>17</u>	MOTION for Extension of Time to <i>File Proposed Scheduling Order</i> by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION (Sroka, Scott) (Entered: 05/29/2018)
06/05/2018		MINUTE ORDER granting <u>17</u> defendant's motion for an extension of time. Defendants are directed to file the proposed scheduling order by no later than June 5, 2018. Signed by Judge Emmet G. Sullivan on June 5, 2018. (lcegs2) (Entered: 06/05/2018)

06/05/2018		Set/Reset Deadlines: Defendants Proposed Scheduling Order due by 6/5/2018. (mac) (Entered: 06/05/2018)
06/05/2018	<u>18</u>	STATUS REPORT by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION. (Sroka, Scott) (Entered: 06/05/2018)
06/20/2018		MINUTE ORDER. In view of the parties status reports and in light of plaintiffs allegation that he initially made his FOIA request in 2016, the Court directs the FBI to complete its production of documents to plaintiff by no later September 14, 2018. The parties are directed to file a further status report with a recommendation for further proceedings, if any, by no later than September 18, 2018. Signed by Judge Emmet G. Sullivan on June 20, 2018. (lcegs2) (Entered: 06/20/2018)
06/20/2018	<u>19</u>	LEAVE TO FILE DENIED– Letter filed by Plaintiff. This document is unavailable as the Court denied its filing. "Leave to file Denied" Signed by Judge Emmet G. Sullivan on 06/20/2018. (jf) (Entered: 06/25/2018)
06/21/2018		Set/Reset Deadlines: Status Report due by 9/18/2018 (mac) (Entered: 06/21/2018)
06/26/2018	<u>20</u>	RESPONSE re <u>18</u> Status Report filed by ROBERT KOLBUSZ. (jf) (Entered: 06/27/2018)
06/26/2018	<u>21</u>	MOTION for Leave to File Second Supplemental Pleading by ROBERT KOLBUSZ (Attachments: # <u>1</u> Exhibit Second Supplemental)(jf) (Entered: 06/27/2018)
07/20/2018		MINUTE ORDER. In view of <u>18</u> the parties' joint status report, the parties are directed to file a further joint status with a recommendation for further proceedings by no later than September 18, 2018. Signed by Judge Emmet G. Sullivan on 7/20/2018. (lcegs1) (Entered: 07/20/2018)
07/20/2018		MINUTE ORDER. The government is directed to file a response to <u>21</u> motion for leave to file second supplemental pleading by no later than August 20, 2018. Signed by Judge Emmet G. Sullivan on 7/20/2018. (lcegs1) (Entered: 07/20/2018)
07/23/2018		Set/Reset Deadlines: Joint Status Report due by 9/18/2018. Government Responses To <u>21</u> Motion For Leave To File due by 8/20/2018. (mac) (Entered: 07/23/2018)
09/04/2018	<u>22</u>	MOTION for Default Judgment by ROBERT KOLBUSZ (jf) (Entered: 09/07/2018)
09/18/2018	<u>23</u>	STATUS REPORT by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION. (Sroka, Scott) (Entered: 09/18/2018)
09/25/2018	<u>24</u>	STATUS REPORT by ROBERT KOLBUSZ. (jf) (Entered: 10/01/2018)
10/02/2018		MINUTE ORDER granting over objection <u>21</u> plaintiff's motion for leave to file a second supplemental pleading. Plaintiff's second supplemental pleading is hereby deemed filed. Signed by Judge Emmet G. Sullivan on 10/2/2018. (lcegs2) (Entered: 10/02/2018)
10/02/2018		MINUTE ORDER. The government is ordered to respond to <u>22</u> plaintiff's motion for default judgment by no later than October 12, 2018. Signed by Judge Emmet G. Sullivan on 10/2/2018.(lcegs2) (Entered: 10/02/2018)
10/02/2018		Set/Reset Deadlines: Government Response To <u>22</u> Plaintiff's Motion For Default Judgment due by 10/12/2018. (mac) (Entered: 10/02/2018)
10/02/2018	<u>25</u>	SUPPLEMENT re <u>1</u> Complaint filed by ROBERT KOLBUSZ. (jf) (Entered: 10/04/2018)
10/09/2018	<u>26</u>	STATUS REPORT by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION. (Sroka, Scott) (Entered: 10/09/2018)
10/12/2018	<u>27</u>	MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION for Default Judgment as to by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION (Sroka, Scott) (Entered: 10/12/2018)

10/15/2018		MINUTE ORDER treating as opposed and granting over objection <u>27</u> defendants' motion for extension of time. Defendants shall file a response to plaintiff's motion for default judgment by no later than October 17, 2018. Signed by Judge Emmet G. Sullivan on 10/15/2018. (lcegs2) (Entered: 10/15/2018)
10/15/2018		Set/Reset Deadlines: Defendants Response To Plaintiff's Motion For Default Judgment due by 10/17/2018. (mac) (Entered: 10/15/2018)
10/17/2018	<u>28</u>	Memorandum in opposition to re <u>22</u> MOTION for Default Judgment as to filed by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION. (Sroka, Scott) (Entered: 10/17/2018)
11/06/2018		MINUTE ORDER. In light of the government's consent to the plaintiff's motion for leave to file a second supplemental complaint, the <u>22</u> plaintiff's motion for default is denied as moot. The parties are directed to file a joint status report, which includes a proposed scheduling order for the defendant's motion to dismiss plaintiff's second supplemental complaint, by no later than November 20, 2018. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 11/6/2018. (lcegs2) (Entered: 11/06/2018)
11/07/2018		Set/Reset Deadlines: Joint Status Report due by 11/20/2018. (mac) (Entered: 11/07/2018)
11/20/2018	<u>29</u>	PROPOSED BRIEFING SCHEDULE by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION. (Sroka, Scott) (Entered: 11/20/2018)
11/26/2018	<u>30</u>	STATUS REPORT and Proposed Scheduling Order by ROBERT KOLBUSZ. (jf) (Entered: 11/29/2018)
12/03/2018		MINUTE ORDER. Upon consideration of the parties' proposed scheduling orders, the parties are directed to comply with the following schedule: Defendant shall file its motion to dismiss by no later than January 22, 2019. Plaintiff's opposition shall be filed no later than February 22, 2019. If plaintiff chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Defendant's reply and, if applicable, combined opposition shall be filed no later than March 8, 2019. Plaintiff's reply, if applicable, shall be filed no later than March 22, 2019. Signed by Judge Emmet G. Sullivan on 12/3/2018. (lcegs2) (Entered: 12/03/2018)
12/03/2018		Set/Reset Deadlines: Defendant Motion To Dismiss due by 1/22/2019. Plaintiff's Opposition, And If, Any Cross-Motion Which Shall Be Combined With The Opposition due by 2/22/2019. Defendant's Reply And, If Applicable, Combined Opposition due by 3/8/2019. Plaintiff's Reply, If Applicable, due by 3/22/2019. (mac) (Entered: 12/03/2018)
12/14/2018	<u>31</u>	MOTION for Leave to File Third Amended Complaint by ROBERT KOLBUSZ (Attachments: # <u>1</u> Exhibit Third Amended Complaint)(jf) (Entered: 12/18/2018)
01/18/2019	<u>32</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/18/2019)
02/05/2019		MINUTE ORDER denying <u>32</u> motion to stay as moot and granting nunc pro tunc <u>32</u> motion for extension of time in light of the lapse of appropriations. In light of the lapse of appropriations, the briefing schedule is modified as follows: Defendant shall file its motion to dismiss by no later than March 11, 2019. Plaintiff's opposition shall be filed by no later than April 11, 2019. If plaintiff chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Defendant's reply and, if applicable, combined opposition shall be filed by no later than April 26, 2019. Plaintiff's reply, if applicable, shall be filed by no later than May 10, 2019. Signed by Judge Emmet G. Sullivan on 2/5/2019. (lcegs2) (Entered: 02/05/2019)
02/06/2019		Set/Reset Deadlines: Defendant Motion To Dismiss due 3/11/19. Plaintiff's Opposition And/Or If Plaintiff File A Cross-Motion due by 4/11/2019. Defendant's Reply And, If Applicable, Combined Opposition due by 4/26/2019. Plaintiff's Reply, If Applicable,

		due by 5/10/2019. (mac) (Entered: 02/06/2019)
03/07/2019	<u>33</u>	MOTION for Extension of Time to <i>File Motion to Dismiss</i> by DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION (Sroka, Scott) (Entered: 03/07/2019)
03/11/2019		MINUTE ORDER treating as opposed and granting over objection <u>33</u> defendant's motion for extension of time. Defendant shall file its motion to dismiss by no later than April 8, 2019. Plaintiff's opposition shall be filed no later than May 8, 2019. If plaintiff chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Defendant's reply and, if applicable, combined opposition shall be filed no later than May 22, 2019. Plaintiff's reply, if applicable, shall be filed no later than June 5, 2019. Signed by Judge Emmet G. Sullivan on 3/11/2019. (lcegs2) (Entered: 03/11/2019)
03/12/2019		Set/Reset Deadlines: Defendant Motion To Dismiss due by 4/8/2019. Plaintiff Opposition And If Plaintiff Chooses To File A Cross-Motion, It Shall Be Combined With The Opposition due by 5/8/2019. Defendant's Reply, And If Applicable, Combined Opposition due by 5/22/2019. Plaintiff's Reply, If Applicable, due by 6/5/2019. (mac) (Entered: 03/12/2019)